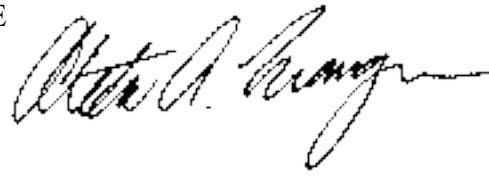


Motion set for
hearing on 1/16/13
at 1:00 p.m.

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION



UNITED STATES OF AMERICA)
)
)
)
) No. 3:12-00119
v.)
) Judge Trauger
)
MARK METZ)

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

In accordance with the Fourth and Fourteenth Amendments, Defendant Mark Metz moves the Court to suppress any evidence gained as a result of the illegal arrest and search of his person on August 19, 2011. It was unlawful for the police to stop and pat down Mr. Metz without reasonable suspicion.

I. BACKGROUND¹

On the evening of August 19, 2011, officers with the Metro Nashville Police Department were dispatched to the Imperial Gardens apartment complex in Smyrna, Tennessee, in response to a shooting in Apartment U194. According to dispatch, two gunmen had shot into the apartment building and then run away toward the basketball court and woods at the north end of the apartment complex.

At the time of the shooting, Mr. Metz – who has no connection with any of the ten people who were in Apartment U194 – was outside the AA apartment complex waiting to meet an acquaintance. He heard the gunfire but was not sure where the shots had come from. While walking around the AA building, an apartment door opened and a middle-aged resident named Terry Harrington opened his door. Mr. Harrington testified at a preliminary hearing that Mr. Metz was not sweating and did not look like he had been running. Mr. Metz asked Mr. Harrington what was going on and Mr. Harrington said he did not know.

¹These background facts are taken from police reports and other documents provided in discovery. Mr. Metz does not necessarily concede that each of these stated facts is true.